

Message Text

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64

ACTION EUR-12

INFO OCT-01 ISO-00 TRSE-00 INSE-00 L-02 SCA-01 CIAE-00

INR-05 NSAE-00 RSC-01 EB-04 FAA-00 DOTE-00 /026 W

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R 222130Z OCT 74

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 4825

INFO AMCONSUL WINNIPEG UNN

LIMITED OFFICIAL USE OTTAWA 3460

EO 11652 NA

TAGS PBOR CA

SUBJ ALLEGED INTRUSION OF US BORDER GUARD INTO CANADA

REF OTTAWA 3170

1. FOLLOWING NOTE NO. 363 RECEIVED OCTOBER 22 FROM EXTAFF:
BEGIN TEXT

"THE DEPARTMENT OF EXTERNAL AFFAIRS PRESENTS
ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF
AMERICA AND HAS THE HONOUR TO REFER TO AN INCIDENT ON
SEPTEMBER 29, 1974, IN WHICH A CANADIAN CITIZEN,
MR. EDWARD GROSS OF GLEN BAIN, SASKATCHEWAN, AFTER
LANDING HIS AIRCRAFT AT AN AIRSTRIP, PART OF WHICH IS
INSIDE CANADA, BUT WHICH IS OPERATED BY THE STATE OF
NORTH DAKOTA NEAR NOONAN, NORTH DAKOTA, WAS FINED A SUM
OF \$25 BY A UNITED STATES BORDER PATROL OFFICIAL.

"MR. GROSS LANDED HIS AIRCRAFT, ACCORDING
TO INFORMATION PROVIDED BY HIM TO THE DEPARTMENT AND
TO THE ROYAL CANADIAN MOUNTED POLICE, ON THE CANADIAN
SIDE OF THE GRASS STRIP LANDING FIELD LOCATED ON THE
49TH PARALLEL. THIS HAS NOT BEEN DENIED BY THE
AMERICAN OFFICIALS CONCERNED AND IN THE AMERICAN
REPORT ON THIS INCIDENT DATED OCTOBER 2. SUBSEQUENT
TO LANDING, MR. GROSS WAS CONFRONTED BY A UNITED STATES
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BORDER PATROL OFFICER WHO ORDERED MR. GROSS TO TAXI HIS

AIRCRAFT OVER INTO THE UNITED STATES, WHERE HE WAS THEN
FINED \$25 FOR LANDING AT THE AIRPORT WITHOUT PROPER
PERMISSION.

"MR. GROSS HAS ASSURED THE CANADIAN AUTHORITIES
THAT AT NO TIME DID HIS AIRCRAFT TOUCH UNITED STATES
TERRITORY UNTIL "ORDERED" TO DO SO BY THE UNITED STATES
BORDER PATROL, AND FURTHER, THAT HIS PURPOSE IN LANDING
ON THE STRIP WAS TO AVOID ILLEGAL ENTRY INTO THE UNITED
STATES. THIS APPEARS TO BE CONFIRMED BY THE FACT THAT
THE U.S. BORDER PATROL MAINTAINS THAT, AFTER LANDING,
MR. GROSS TAXIED TO THE U.S. BORDER PATROL AUTOMOBILE,
WHICH WAS LOCATED ON U.S. TERRITORY.

"IN VIEW OF THESE CIRCUMSTANCES THE DEPARTMENT
REQUESTS THAT THIS CASE BE FURTHER INVESTIGATED. THE
SITE IN QUESTION STRADDLES THE BORDER AND IT IS POSSIBLE
THAT CONFUSION ON DEMARCATION LINES EXISTED IN THE MINDS
OF BOTH PARTIES. NEVERTHELESS, A SUBSTANTIAL PORTION OF
THE RUNWAY USED BY MR. GROSS, SUFFICIENT FOR LIGHT AIRCRAFT
TO LAND, IS CLEARLY IN CANADIAN TERRITORY AND IT WAS WITHIN
THIS AREA THAT MR GROSS MAINTAINS HE LANDED HIS AIRCRAFT.

"IT IS THE DEPARTMENT OF EXTERNAL AFFAIRS VIEW THAT,
REGARDLESS OF WHETHER OR NOT THE UNITED STATES BORDER PATROL
OFFICIAL WAS ON UNITED STATES TERRITORY AT THE TIME HE
CONFRONTED MR. GROSS, THAT BORDER PATROL OFFICIAL
WOULD HAVE BEEN ACTING INAPPROPRIATELY IN ASSESSING A FINE
AGAINST MR. GROSS FOR FAILING TO FOLLOW U.S. LANDING
REGULATIONS IN CIRCUMSTANCES WHERE MR. GROSS HAD AT NO
TIME ENTERED UNITED STATES TERRITORY UNTIL AFTER HE HAD
LANDED. ASSUMING THAT FURTHER INVESTIGATION CONFIRMS THE
ABOVE DESCRIPTION OF THE CIRCUMSTANCES OF THE INCIDENT,
IT IS THE VIEW OF THE DEPARTMENT THAT U.S. REGULATIONS
CANNOT BE APPLIED TO A CANADIAN AIRCRAFT PILOTED BY A
CANADIAN AND LANDING IN CANADIAN TERRITORY. THE DEPARTMENT
IS CONFIDENT THAT U.S. AUTHORITIES WOULD WISH TO PROVIDE
REDRESS TO MR. GROSS FOR THE FINE LEVIED SHOULD
FURTHER INVESTIGATION CONFIRM THAT HE LANDED ON
CANADIAN TERRITORY.
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"COMPLIMENTARY CLOSE..." END TEXT.

2. REQUEST GUIDANCE. EMBASSY BELIEVES IT WOULD BE
USEFUL TO HAVE EXACT TEXT OF STATUTE UNDER WHICH GROSS
WAS FINED.
PORTER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ARRESTS, BORDER INCIDENTS, ALLEGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974OTTAWA03460
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740301-0737
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741027/aaaaawqu.tel
Line Count: 113
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: OTTAWA 3170
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 16 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 APR 2002 by ifshinsr>; APPROVED <19-Aug-2002 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ALLEGED INTRUSION OF US BORDER GUARD INTO CANADA
TAGS: PBOR, CA, US, (GROSS, ED)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005